

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

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| Brian Kelly, Plaintiff, v. United Payment Center, Inc., Defendant. | Case No.: 0:22-cv-1799-ECT-DLM NOTICE OF ACCEPTANCE OF OFFER OF JUDGMENT AND NOTICE OF INTENT TO CLAIM ATTORNEY’S FEES AND COSTS |
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TO: DEFENDANT ABOVE AND ITS ATTORNEY

Plaintiff hereby accepts Defendant’s Rule 68 Offer of Judgment served on May 2, 2023, and filed herein in the above matter and attached hereto as **Exhibit A**.

Plaintiff and Plaintiff’s undersigned counsels hereby also give Notice of Intent to Claim an Award of Attorney’s Fees and Costs. Such claim for an award of fees and costs shall be based upon the statutory authority of the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692k(a)(3) *et seq.*, the Drivers Privacy Protection Act, 18 U.S.C. §§ 2721-2725 (“DPPA”) *et seq.*, the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681n(a)(3) and 1681o(b) *et seq.*, and 28 U.S.C. §§ 1920 and 1924, as well as the authority of the Federal Rules of Civil Procedure and/or any other legal theory pleaded in the Amended Complaint filed herein. The counsel who rendered the legal services upon which the Claim is based is as follows:

1. Peter F. Barry, Esq.
2. Joshua B. Swigart, Esq. – *Pro Hac Vice*
3. All other Plaintiff’s counsel who participated in, or made an appearance in, this

case, if any.

4. Law clerks, legal writers, paralegals, legal assistants, legal contractors and/or staff of the above, if any.

Plaintiff proposes that the Court issue a Scheduling Order for the presentation of motions for attorney's fees that allows the parties 14-days from the date of this Notice to attempt to informally settle the issue of attorney's fees and costs, without the necessity of the Court's involvement.

Respectfully submitted,

Dated: May 15, 2023

THE BARRY LAW OFFICE, LTD

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